

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

NOLBERTO GONZALEZ-PABLO,

Case No. 2:25-cv-368

Petitioner,

v.

CHRISTOPHER MASON, Acting Superintendent,
South Central Regional Jail and Correctional Facility;
BRIAN MCSHANE, Acting Director of Philadelphia
Field Office, U.S. Immigration and Customs
Enforcement; **KRISTI NOEM**, Secretary of the U.S.
Department of Homeland Security; and **PAMELA
BONDI**, Attorney General of the United States,
in their official capacities,

Respondents.

APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court “forthwith” issue an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioner challenges the form and substance of his removal without a meaningful opportunity to present his defenses which constitutes a violation of his due process rights, unlawful reinstatement of prior removal order violating violates 8 U.S.C. § 1231(a)(5); and 8 C.F.R. § 1231(a)(5), violation of the Immigration and National Act (*See* INA § 240; 8 U.S.C. § 1229a), and violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). *See* Petition for Writ of Habeas Corpus.

3. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

4. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”

5. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”

6. In addition, Section 2243 states that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”

7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondent to file a return within three days of the Court’s order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within three days after Respondent file the return.

8. Giving Respondent additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to deprivation of his physical liberty and the irreparable harm to himself, his USC spouse, and two USC minor children.

Respectfully submitted,

s/William Wilson
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Counsel for Petitioner

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